

Appl. No. 10/776,851
Docket No. CM2687MQ
Amdt. dated February 5, 2010
Reply to Office Action mailed on January 7, 2010
Customer No. 27752

REMARKS

Claim Status

Claims 1, 3-7, 9, 12 and 21-24 are pending in the present application. The Office Action Summary indicates that Claims 22-24 are rejected, but said claims are not addressed in the rejection. No additional claims fee is believed to be due. Claims 2, 8, 10-11 and 13-20 were previously cancelled without prejudice. No amendments are made herein.

Rejections Under 35 U.S.C. §103(a) Over Suzuki In View of Gross

And Further In View of Busam

Claims 1, 3-5, 7, 9 and 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki, EP 1 088 537 A2, in view of Gross, et al., U.S. Patent No. 6,403,857, and further in view of Busam et al., US2004/0167486 A1. Applicants respectfully traverse this rejection because the Busam reference is not available as prior art against the present application.

The present application and Busam both have a Filing Date of February 11, 2004. Further, the present application and Busam both have a Priority Date of February 13, 2003. Therefore, Busam is not available as prior art against the present application. As such, Applicants assert that Claims 1, 3-5, 7, 9 and 12 are nonobvious over the cited references and are in condition for allowance.

Rejections Under 35 U.S.C. §103(a) Over Suzuki In View of Gross And Busam And

Further In View Of Tanzer

Claims 6 and 21 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki, EP 1 088 537 A2, in view of Gross, et al., U.S. Patent No. 6,403,857, and Busam et al., US/2004/0167486 A1, and further in view of Tanzer, et al., WO 01/15647 A1. Applicants respectfully traverse this rejection because the Busam reference is not available as prior art against the present application.

As discussed above, the present application and Busam both have a Filing Date of February 11, 2004. Further, the present application and Busam both have a Priority Date

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of February 13, 2003. Therefore, Busam is not available as prior art against the present application. As such, Applicants assert that Claims 6 and 21 are nonobvious over the cited references and are in condition for allowance.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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